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Applicant/Proprietor
THE GOVERNMENT OF THE UNITED STATES OF AMERICA, as represented by THE SECRETARY,
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Noting of loss of rights pursuant to Rule 69(1) EPC

The European patent application cited above is deemed to be withdrawn (Rule 108(1) EPC) for the following reason(s):

a) translation of the international application into one of the EPO's official languages (Art. 158(2) EPC) not filed within the period specified in Rule 107(1)(a) EPC b) \square national basic fee search fee \square designation fee examination fee and/or written request for examination not validly paid / not made within the time limit specified in Rule 107(1)(c)-(f) EPC (c) \Box payment of the above fees on, after expiry of the period for payment (on 28.01.05).

MEANS OF REDRESS:

 The loss of rights [(a)(b)] shall be deemed not to have occurred if, within a (non-extendable) period of TWO MONTHS of notification of this communication, the relevant requirement(s) has (have) been fulfilled and the appropriate surcharge(s) under Article 2(3b)(3c) RFees have been paid (Rule 108(3) EPC).

If fees were paid late [(c)], the requirement(s) as specified in Article 8(3)(4) RFees is (are) to be fulfilled within the same time limit.

- 2. If, however, the applicant considers that this finding is inaccurate, he may apply in writing for an EPO decision on the matter (Rule 69(2) EPC) within the same time limit, i.e. that specified in (1). The finding will be set aside only if it does not actually correspond to the factual or legal situation.

 The applicant's rights with regard to fee payment or filing the written request for examination cannot be re-established under Article 122 EPC.
- 3. If, in spite of all due care required by the circumstances having been taken, the applicant was unable to observe the time limit for filing the translation, he will, upon application, have his rights re-established provided that the time limits and formal requirements laid down in Article 122 EPC are complied with.

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